REMARKS

Please reconsider the present application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering the present application.

Disposition of Claims

Claims 1-4 were pending in the present application. Claim 2 has been canceled. Thus, claims 1, 3, and 4 are currently pending in the present application. Claim 1 is independent, while claims 3-4 are dependent from claim 1. By way of this reply, claim 1 has been amended to incorporate the limitations of claim 2. No new matter has been added by the amendments.

Claim Amendments

Claim 1 has been amended by way of this reply to incorporate the limitations of claim 2, and claim 2 has been canceled. No new matter has been added by way of the amendments.

Rejection(s) Under 35 U.S.C. § 103

Claim 1 of the present application was rejected under U.S.C. § 103 (a) as being unpatentable over U.S. Patent No. 5,032,960 ("Katoh"). Claim 1 has been amended by way of this reply. To the extent that the rejection still applies, the rejection is respectfully traversed.

Amended claim 1 requires, in part, "said vehicular headlamp emits said light ahead of an automobile," and "said optical component forms at least a part of a cut line that defines a boundary between a bright region and a dark region in a light distribution pattern of said vehicular headlamp based on said light emitted by said semiconductor light emitting devices from portions near said sides aligned with said straight line."

The Examiner admits that Katoh does not show these limitations. Thus, claim 1 is patentable over Katoh, at least for the above reasons. Accordingly, withdrawal of this rejection is respectfully traversed.

Claims 2-4 of the present application were rejected under U.S.C. § 103 (a) as being unpatentable over Katoh in view of U.S. Patent No. 5,032,960 ("Matsumoto"). Claim 2 has been canceled, and the limitations thereof have been incorporated into claim 1. To the extent that the rejection applies to amended claims 1, 3, and 4, the rejection is respectfully traversed.

Claim 1 requires, in part, "said optical component forms at least a part of a cut line that defines a boundary between a bright region and a dark region in a light distribution pattern of said vehicular headlamp based on said light emitted by said semiconductor light emitting devices from portions near said sides aligned with said straight line."

Katoh discloses a light source device with a convergent rod lens provided parallel to an array of super-miniature LED lamps. Katoh fails to show or suggest at least the claimed optical component that forms at least a part of a cut line that defines a boundary between a bright region and a dark region.

Matsumoto discloses a method of regulating optical axes of headlights for an automotive vehicle so that a light intensity boundary of headlight low beam lies within a predetermined range. The Examiner asserts that lines 25-29 in column 1 of Matsumoto show this limitation. However, the cited passage simply states "the optical axes of the headlights are regulated so that the cut line C (composed of a horizontal cut line C_1 and an oblique cut line C_2) indicative of boundary between a bright area a and a dark area b lies within the standard range K, as depicted in FIG. 1." The claim requires that the *optical component* forms at least a part of a cut line that defines a boundary between a bright region and a dark region. Katoh and Matsumoto are both completely silent as to this limitation.

Further, even assuming *arguendo* that Katoh and Matumoto disclose the above limitations as asserted by the Examiner, it would be clear to one skilled in the art that Katoh is non-analogous art. Katoh is directed to a light source device with arrayed light emitting elements, employed as a light source for reading image information in an adhesion type image sensor, an optical image reader, a contraction type image sensor or the like (*see* lines 8-14 of column 1 in Katoh). It would be clear to one skilled in the art that Katoh does not disclose a light source related to a vehicular headlamp and fails to recognize the problems being solved by the claimed invention. Rather, Katoh discloses a convergent light source for data transmission, whether reading or sensing information. Thus, Katoh is (1) not in the same field of endeavor as the present invention and (2) is not reasonably pertinent to the particular problem with which the present inventor was involved. Accordingly, Katoh is non-analogous art and cannot be properly applied against the present claims.

Further, Katoh and Matsumoto are not properly combinable. Contrary to the claimed invention, the light source device disclosed in Katoh cannot be used as a headlamp

because Katoh uses a *convergent* lens. Headlamps are designed to illuminate a certain width of area at a predetermined position away from a light source. If the light source device of Katoh was used in a headlamp, it would only illuminate *a line*. Although convergent light is useful in Katoh's intended use of reading and sensing information, it would render a headlamp useless. Further, Katoh relates to super-miniature LED lamps, and, as would be apparent to one skilled in the art, super-miniature LED lamps could not be used in a vehicular headlamp. Accordingly, the combination of Katoh and Matsumoto is improper because "[r]ather than being made obvious by the reference, such modification would run counter to its teaching by rendering the apparatus inoperative." In re Schulpen, 157 USPQ 51 (CCPA 1968).

Additionally, Applicant notes that there is no motivation to combine the cited references. The Examiner cannot combine prior art references to render a claimed invention obvious by merely showing that all the limitations of the claimed invention can be found in the prior art references. There must be a suggestion or motivation to combine the references *within the prior art references themselves*. In other words, regardless of whether prior art references can be combined, there must an indication within the prior art references *expressing desirability* to combine the references. *In re Mills*, 916 F.2d 680 (Fed. Cir. 1990) (emphasis added). Further, the present application *cannot be used as a guide* in reconstructing elements of prior art references to render the claimed invention obvious. In re Vaeck, 947 F.2d 488 (Fed. Cir. 1991) (emphasis added).

One skilled in the art would not be motivated by Matsumoto, which is completely silent with respect to an optical component forming at least a part of a cut line that defines a boundary between a bright region and a dark region, to incorporate the unrelated teachings of Katoh, without using the present application as a guide. Merely because Matsumoto teaches a

cut-line, the Examiner cannot arbitrarily place an optical component of similar configuration in a position that it forms a cut line that defines a boundary between a bright region and a dark region, without showing some teaching in either Matsumoto or Katoh that would lead one of ordinary skill in the art to do so. To do so constitutes impermissible hindsight reconstruction of the claimed invention. *Ex Parte Clapp*, 227 USPQ 972 (PTO Bd App. 1985); *In re Horn*, 203 USQ 969 (CCPA 1979).

In view of the above, (1) Katoh is non-analogous art, (2) Katoh and Matsumoto are not properly combinable, and (3) whether taken separately or in combination, Katoh and Matsumoto fail to show or suggest the present invention as recited in claim 1. Thus, claim 1 is patentable over Katoh and Matsumoto, whether considered separately or in combination. Claims 3 and 4 are dependent from claim 1. Thus, claims 3 and 4 are patentable over Katoh and Matusumoto, at least for the same reasons as claim 1. Accordingly, withdrawal of the rejection is respectfully requested.

Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account No. 50-0591, under Order No. 02008/148001 from which the undersigned is authorized to draw.

Dated: May 1, 2006

Respectfully submitted,

By _____

Thomas K. Scherer
Registration No.: 45,079
OSHA · LIANG LLP
1221 McKinney St., Suite 2800
Houston, Texas 77010
(713) 228-8600
(713) 228-8778 (Fax)